Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Edward M. & Cassandra Carr
   4400 River Garden Trail
   Austin, TX 78746-2016

2. Type of action: Application To Change A Water Right # 30029994-43B

3. Water source name: Yellowstone River

4. Location affected by project: N2 Sec 35 T3S R9E, Park County.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The applicant proposes to change the permitted point of diversion from a headgate to an infiltration gallery. A flow rate of 5.49 CFS up to 1992 acre-feet of water will be diverted into seven existing ponds. The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment: Montana State Historic Preservation Office. Montana Department of Fish, Wildlife & Parks, Montana Natural Heritage Program, Montana Department of Environmental Quality, Park County Planning Office
   (include agencies with overlapping jurisdiction)

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity **-** *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: The source of water, the Yellowstone River, is not listed as chronically or periodically dewatered by the DFWP.

Water quality *- Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: The upper Yellowstone River is listed on the DEQ, 303(d) list. This project is not expected to affect TMDL standards currently in place for this reach of the Yellowstone River.

Groundwater *- Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: The proposed infiltration gallery will collect alluvial Yellowstone River water. This project will not affect ground water quality or supply.

DIVERSION WORKS *- Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: Water will be diverted into an infiltration gallery. A pipeline will convey water to the ponds.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species *- Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: The Montana Natural Heritage Program was contacted. They identified the Yellowstone Cutthroat Trout as a species of sensitive status. This project is expected to provide a new spawning channel which potentially increase the rate of new fish production in the area. This project has been indorsed by Joel Tohtz, FWP fishery biologist.

Wetlands *- Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: The proposed fishery ponds were constructed within an old remnant channel. Some wetlands may have been altered, while new wetlands may have been constructed.

Ponds *- For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: A series of seven new ponds have been constructed under an existing permit.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE *- Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: It is unlikely that saline seep exists within this riparian area of the Yellowstone River.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: Existing vegetative was disturbed during construction. It is the landowners responsibility to replant the disturbed area, and control noxious weeds.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No impact to air quality.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: SHPO was contacted. There are no recorded historic or archaeological sites within the locale.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No impacts on other environmental resources were identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: The Park County Planning Board has no restrictions against ponds.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: This project is located on private land, with no access to public recreational or wilderness activities. Therefore, no impact is expected.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No impact on human health.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
Yes___ No_X__ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: Private property rights are not impacted by this proposed action.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) *Cultural uniqueness and diversity?* No impacts identified

(b) *Local and state tax base and tax revenues?* No impacts identified

(c) *Existing land uses?* No impacts identified

(d) *Quantity and distribution of employment?* No impacts identified

(e) *Distribution and density of population and housing?* No impacts identified

(f) *Demands for government services?* No impacts identified

(g) *Industrial and commercial activity?* No impacts identified

(h) *Utilities?* No impacts identified

(i) *Transportation?* No impacts identified

(j) *Safety?* No impacts identified

(k) *Other appropriate social and economic circumstances?* No impacts identified

2. ***Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts No secondary impacts have been identified

Cumulative Impacts No cumulative impacts have been identified

3. ***Describe any mitigation/stipulation measures:*** Mitigation or stipulations are not planned at this time.

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** If this new diversion point is not authorized the applicant will be unable to full

the existing ponds. It is reasonable and prudent for the applicant to use this new proposed infiltration gallery to divert water into the existing ponds.

PART III. Conclusion

1. ***Preferred Alternative*** Divert water through the infiltration gallery.

2 ***Comments and Responses*** No comments have been received to date.

3. ***Finding:***
*Yes___ No_**X**__ Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain <u>why</u> the EA is the appropriate level of analysis for this proposed action:

Name of person(s) responsible for preparation of EA:

Name: Jan R Mack
Title: Water Resource Specialist
Date: November 19, 2007